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SOMSANOUK PHENGPHANH

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR S-04-350-LKK
	)	
Plaintiff,	)	<b>DEFENDANT'S REQUEST FOR EXPEDITED</b>
	)	<b>ORDER TO FURNISH TRANSPORTATION</b>
v.	)	<b>AND ORDER</b>
	)	
SOMSANOUK PHENGPHANH,	)	
	)	
Defendant.	)	
	)	
_____	)	

On July 18, 2006, this Court sentenced Mr. Phengphang to 60 days incarceration and ordered him to self-surrender before 2:00 p.m. on August 15, 2006. The Bureau of Prisons designated Mr. Phengphang late in the day on August 14, 2006, after a Stipulation and Order had already been signed extending his voluntary surrender date to August 29, 2006 at 2:00 p.m.

On August 28, 2006, Mr. Phengphanh traveled from his home in Stockton to the California City Correctional Institution in California

1 City, California, the facility where he had been designated. However,  
2 when Mr. Phengphanh arrived at the California City Correctional  
3 Institution, he was told that, based on his medical condition, his  
4 designation had been "canceled" by the Bureau of Prisons and the  
5 facility could not accept him. Although the Bureau of Prisons did in  
6 fact "cancel" Mr. Phengphanh's initial designation, it forgot to inform  
7 Mr. Phengphanh, the U.S. Marshal's Office, or defense counsel of the  
8 change in designation plans. Based on these facts, it was stipulated  
9 that Mr. Phengphanh's self-surrender date be extended two weeks, until  
10 September 12, 2006.

11 On September 6, 2006, defense counsel received a message from the  
12 Marshal's Office that Mr. Phengphanh had been designated to the Devens,  
13 Massachusetts federal medical facility to serve his 60-day sentence;  
14 however, at that time the Devens medical facility had no bed space for  
15 "dialysis patients." It became apparent after several phone calls that  
16 the BOP Office of Medical Designation was under the mistaken impression  
17 that Mr. Phengphanh was still on dialysis, thus necessitating a  
18 designation to a federal medical facility that could meet the needs of  
19 a dialysis patient.

20 Mr. Phengphanh's medical records were faxed to the BOP Office of  
21 Medical Designation and Transportation in Washington, D.C., and several  
22 messages were left with medical designation personnel, in the hope that  
23 the designation of Devens, Massachusetts, could be changed to a  
24 facility in California prior to Mr. Phengphanh's self-surrender date of  
25 September 12, 2006. A one-week extension, to September 19, 2006, was  
26 sought and received so that designation personnel would have ample time  
27 to review Mr. Phengphanh's medical records. However, as of this date,  
28 Mr. Phengphanh's designation remains the federal medical facility in

1 Devens, Massachusetts.

2       Undersigned defense counsel has been informed that a commercial  
3 flight from Sacramento or San Francisco to Boston, Massachusetts, the  
4 airport closest to Devens, Massachusetts, would cost Mr. Phengphanh a  
5 minimum of \$700.00. Mr. Phengphanh currently receives SSI in the  
6 amount of \$200.00 per month.

7       Defense counsel has conferred with the U. S. Marshals Office  
8 regarding this matter. The Marshals Office is concerned that if Mr.  
9 Phengphanh self-surrenders to the Marshals Office in Sacramento, that  
10 the Sacramento County Jail would not be an appropriate holding facility  
11 for Mr. Phengphanh until he could be transported to Massachusetts. In  
12 addition, flying Mr. Phengphanh in custody to Massachusetts would then  
13 require that two Marshals accompany Mr. Phengphanh and would include  
14 the additional cost of their two tickets, plus hotel. It would be far  
15 more efficient for the Court to authorize funds to allow Mr. Phengphanh  
16 to travel on his own to Massachusetts and self-surrender there.

17       The Office of the Federal Defender has been in contact with both  
18 the U.S. Marshals Office and Assistant United States Attorney Carolyn  
19 Delaney, who have no objections to this request that the Court  
20 authorize funds for Mr. Phengphanh's transportation costs.

21  
22 Dated: September 12, 2006

Respectfully submitted,

23 DANIEL J. BRODERICK  
24 Federal Defender

25 /s/ Mary M. French

26 \_\_\_\_\_  
27 MARY M. FRENCH  
28 Assistant Federal Defender  
Attorney for Defendant  
SOMSANOUK PHENGPHANH

Request for  
Transportation Costs

1  
2 Dated: September 12, 2006

MCGREGOR W. SCOTT  
United States Attorney

3  
4 /s/ Mary M. French for  
Carolyn Delaney

5  
6 CAROLYN DELANEY  
Assistant U.S. Attorney  
per telephonic authorization

7  
8  
9 ORDER


10 For the reasons set forth above, including that the defendant has  
11 a serious medical condition and is unable to provide his own  
12 transportation costs, and good cause appearing,

13 IT IS HEREBY ORDERED:

14 1. That defendant Somsanouk Phengphanh shall be permitted to  
15 travel on his own, to Devens, Massachusetts, to self-surrender as  
16 previously ordered.

17 2. That the United States Marshals Office is authorized and  
18 directed to furnish Mr. Phengphanh with transportation from his home in  
19 Stockton, California, to Devens, Massachusetts.

20  
21 Dated: September 13, 2006

22  
23   
24 LAWRENCE K. KARLTON  
25 SENIOR JUDGE  
26 UNITED STATES DISTRICT COURT